

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHRISTOPHER JOHNSON,

Plaintiff,

v.

Case No.: 2:19-cv-639-FtM-38MRM

AVE MARIA SCHOOL OF LAW and  
TOM MONAGHAN,

Defendants.

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**REPORT AND RECOMMENDATION**

Before the Court is Christopher Johnson's Amended Complaint (Doc. 6) and second motion seeking leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 and M.D. Fla. R. 4.07 (Doc. 7). On December 2, 2019, the Court denied without prejudice Mr. Johnson's initial motion for leave to proceed *in forma pauperis*. (Doc. 5).

Specifically, the Undersigned found that Mr. Johnson's original Complaint (Doc. 1) was an impermissible shotgun pleading replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action. (Doc. 5 at 5). The Undersigned also found that the Complaint asserted factual allegations that were extremely difficult to follow. (*Id.* at 5-6). Lastly, the Undersigned found that Mr. Johnson had not set forth each claim founded on a separate transaction or occurrence in a separate count, as required by Fed. R. Civ. P. 10(b), when doing so would greatly promote clarity. (*Id.* at 6). The Undersigned's Order warned Plaintiff that failure to cure these defects would cause the Undersigned to recommend "to the presiding United States District Judge that this action be dismissed without further notice." (*Id.* at 8).


After careful review of Mr. Johnson's Amended Complaint (Doc. 6), the Undersigned finds that it suffers from the same deficiencies identified in the Undersigned's prior Order and even repeats verbatim portions of the original Complaint that were and continue to be problematic. (*Compare, e.g.,* Doc. 5 at 6, *with* Doc. 6 at 4-5; *compare also* Doc. 5 at 6-7, *with* Doc. 6 at 10-11). As a result, Mr. Johnson's Amended Complaint does not comply with the Court's prior order and continues to be procedurally and substantively deficient.

### CONCLUSION

For these reasons, the Undersigned **RESPECTFULLY RECOMMENDS** that:

1. The Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 7), which the Undersigned construes as a motion for leave to proceed *in forma pauperis* under 28 U.S.C. §1915 and M.D. Fla. R. 4.07 be **DENIED**.
2. The presiding United States District Judge **DISMISS without prejudice** this action.

**RESPECTFULLY RECOMMENDED** in Chambers in Ft. Myers, Florida on March 25, 2020.



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MAC R. MCCOY  
UNITED STATES MAGISTRATE JUDGE

### **NOTICE TO PARTIES**

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Copies furnished to:

Counsel of Record  
Unrepresented Parties